REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1-7 are pending in this application, with Claims 1, 6 and 7 being written in independent form.

The Examiner rejected Claims 1 and 6-7 under 35 U.S.C. §112, second paragraph, for indefiniteness. The Examiner rejected Claims 1-7 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,050,415 to *Herrmann et al.* (hereinafter *Herrmann*).

Please amend Claims 1, 6 and 7 as set forth herein. No new matter has been added.

Regarding the §112, second paragraph rejection of Claims 1 and 6-7, the Examiner alleged that there is insufficient antecedent basis for "the initial PDU value" in lines 12 and 15 in Claim 1, line 8 in Claim 6 and lines 10 and 12 in Claim 7. In response, Applicant has amended Claims 1 and 6-7 as provided herein. It is respectfully submitted that these claims now overcome the §112, second paragraph rejection, and withdrawal of the same is respectfully requested.

Regarding the §102(e) rejection, by virtue of this type of rejection the Examiner alleged that *Herrmann* discloses each and every element recited in the rejected claims. Applicant respectfully traverses.

Claims 1 and 6 recite, *inter alia*, transmitting from a radio resource control layer transport format set (TFS) information and transport format combination set (TFCS) information during a channel initialization for data transmission among respective layers of the broadband CDMA communication system. The recitation is similarly recited in Claim 7. It is respectfully asserted that this recitation is not disclosed in the cited passages of *Herrmann*. Particularly, the Examiner cited col. 4, lines 1-20 and col. 5, lines 45-48, but these lines make no mention of an RRC transmitting TFS and TFCS information. In fact, Applicant cannot find this recitation disclosed

anywhere in *Herrmann*.

Furthermore, there do not appear to be any initial TFC and initial PDU values that are determined in *Herrmann*, as recited in Claims 1, 6 and 7. As such, the reference does not appear to teach that an initial TFC is selected at a MAC layer, and that an initial PDU value is transmitted from the MAC layer to a radio link control (RLC) layer by allocating the initial PDU value according to the initial TFC to the respective logic channels, as additionally recited in Claims 1 and 6. For at least the foregoing reasons, it is respectfully submitted that *Herrmann* clearly fails to disclose each and every element recited in the rejected claims, as alleged by the Examiner and required of such a §102(e) rejection.

In addition to the foregoing, Applicant respectfully provides the following discussion for the Examiner's consideration. According to the 3GPP MAC spec (TS 25.321 3.8.0) of the asynchronous CDMA system, the size of the transmissible PDU and the number of blocks for each transmission time interval (TTI) of the RLC layer are set by the MAC layer. The MAC layer receives a transport format combination set (TFCS) and priority information of the respective logic channels from the radio resource control (RRC) layer. Thereafter, if the MAC layer receives the data and buffer occupancy (BO) information to be transmitted from the RLC layer to the MAC layer, it selects a proper TFC from the TFCS based on the BO and the priority of the respective logic channels, and transmits the size of the PDU and the number of blocks that can be used for the next TTI to the RLC layer to set the TFC.

However, the conventional TFC setting process as described above is inefficient in setting the size of the PDU and the number of blocks to be used when the RLC initially transmits the data. In the conventional TFC setting process, in order for the RLC to transmit the data to the MAC at the m-th TTI, the RLC should have already received from the MAC layer at the $(m-1)$-th TTI. the information on the useable PDU size and the number of blocks. Accordingly, the MAC layer receives the BO information from the RLC at the $(m-1)$-th TTI. In repeating this process, there is a contradiction in that the MAC cannot inform the RLC of the PDU size and the block number of the data to be transmitted at the zeroth TTI.

In order to solve this problem, it is respectfully asserted that the present invention determines a size of the initial transmitting data before transmitting data through a certain channel, and the MAC layer determines an initial PDU value of the channel by using the transport format set (TFS) information, the transport format combination set (TFCS) information, and the priority information of the respective logic channels from a radio resource control (RRC) layer.

Namely, the present claims recite that a MAC layer analyzes transport format set (TFS) information and transport format combination set (TFCS) information from a radio resource control (RRC) layer during a channel initialization for data transmission, selects at a medium access control (MAC) layer an initial TFC by preferentially allocating a maximum packet data unit (PDU) value to a transmission channel on which a logic channel having a relatively high priority among a plurality of transmission channels has been mapped, allocates an initial PDU value according to the selected TFC to the respective logic channels, receives at the RLC layer the initial PDU value, and sets the initial PDU value as a final PDU value.

In contrast, it is respectfully asserted that *Herrmann* discloses determining the following TFC referring to the selected TFC for the previous wireless frame when the logic channel mapped to the transmission channel is inactive, and determining the TFC according to the priority of the logic channel when the logic channel mapped to the transmission channel is active, wherein TFC is selected in consideration of the assigned data packet to the transmission channel. (See, e.g., col. 5, line 39-60)
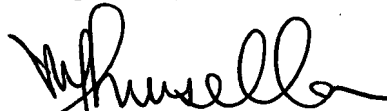
In other words, the present invention is directed to selecting the TFC so that the maximum PDU value is allocated to the transmission channel on which the logic channel having the highest priority in the TFCS is mapped without considering the data packet assigned to the transmission channel, while in contrast, *Herrmann* discloses selecting the next TFC referring to the priority and data packet assigned to the transmission channel. Further, *Herrmann* discloses selecting the TFC in consideration of the BO and the TTI when the priority of the logic channel is the same. (See col. 5, lines 16-28)

For at least the foregoing reasons, it is respectfully submitted that the rejection of Claims 1-7 under 35 U.S.C. §102(e) is incorrect, and should be withdrawn. Withdrawal of the same is respectfully requested.

Independent Claims 1, 6 and 7 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-5, these are likewise believed to be allowable by virtue of their dependence on independent Claim 1. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-5 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-7, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

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